IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

Crl.MC.No. 3110 of 2004(C)

ST.5087/2003 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
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PETITIONER: ACCUSED
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1. LISSY VARGHEE, W/O.VARGHESE,
PANDOTHU HOUSE, PALLIPARAMBUKAVU,
TRIPUNITHURA P.O., TRIPUNITHURA.

2. A.I.ABRAHAM, MERCURY ENTERPRISES,
THEJUS, MULAMTHURUTHY P.O.,
KOCHI-682 314.

3. A.G.VIJAYA CHANDRAMENON,
(NOMINEE OF M.V.J.FOODS INDIA PVT. LTD),
SINDHU VIHAR, DESOM P.O., ALUVA-683 103.

4. M.V.J.FOODS INDIA PVT. LTD.,
REGISTERED OFFICE, H.B.NO.7,
PANAMPALLY NAGAR, KOCHI-36,
REP. BY .A.G.VIJAYA CHANDRAMENON.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS: COMPLAAINANT AND STATE
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1. FOOD INSPECTOR,
TRIPUNITHURA MUNICIPALITY.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

CRL. M.C. NO. 3110 OF 2004

Dated this the 20th day of November 2006

ORDER

The petitioners are accused in S.T. No. 5087/2003 in the file of Additional Chief Judicial Magistrate, Ernakulam with respect to the offence under section 2(ia) © 7(i) 16(i)a of Prevention of Food Adulteration Act, 1954 and Rule 37 A of the Prevention of Food Adulteration Rules. The allegation is that the curry powder produced by the 4th petitioner - company is adulterated as it contained sodium chloride to an extent of not less than 23 per cent and hence it is adulterated as per section 2(ia) © 7(i) 16(i)a of the P.F.A Act. The case of the petitioners is that the above allegation has been found untrue vide Annexure-C that certificate of analysis of the Central Food Laboratory wherein the quantum of sodium chloride mentioned is only 15.35 per cent.

2. I find that the petitioner has also produced the copy of the analysis report of the Public Analyst of the State Government and the copy of the report of the Central Food Laboratory obtained as per invoking the option under section 13(2) of the Act. I find that the case

set up is on the basis that the salt contained is excessive. The same has been disproved by the report of the Central Food Laboratory. As per section 13(3) the certificate issued by the Director of Central Food Laboratory shall supersede the report given by the Public Analyst.

In the circumstances, I find that the proceedings initiated against the petitioners vide S.T. 5087/2003, cannot be sustained. In the result, S.T. No. 5087/2003 in the file of Additional Chief Judicial Magistrate, Ernakulam is herewith quashed. The Crl. M.C is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV